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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/077,574	09/24/1998	MICHAEL PANACCIO	DAVIE60001AP	6196

20995 7590 02/17/2004

KNOBBE MARTENS OLSON & BEAR LLP  
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IRVINE, CA 92614

EXAMINER
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DEVI, SARVAMANGALA J N

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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WASHINGTON, DC 2023  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/077,574

09/24/98

Panaccio et al.

DAVIE60001AP

EXAMINER

S. Devi

Customer No. 20,995

ART UNIT	PAPER
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1645

0204

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.  
Commissioner of Patents

1) The disclosure is objected to under 37 CFR 1.71, as being incomprehensible as to preclude a  
reasonable search of the prior art for claims 114 and 115. For example, the following items are not  
understood: Claim 114 recites polypeptides of SEQ ID NO. 9 and 12, and claim 115 recites nucleotide  
sequences of SEQ ID NO. 8, 11, 13, 17-20, 22 and 23. However, the raw Sequence Listing filed  
10/20/00 identifies SEQ ID NO. 9 and 12 as nucleotide sequences, and SEQ ID NO. 8, 11, 13, 17-20,  
22 and 23 as amino acid sequences. While SEQ ID NO. 9 is identified in the Table on page 19 as a  
nucleotide sequence, the third full paragraph on page 10 identifies SEQ ID NO. 9 as an amino acid  
sequence. With this confusing disclosure or discrepancy, no meaningful search and/or examination  
can be made for claims 114 and 115.

Applicants are required to submit an amendment, which clarifies the disclosure so that the  
Examiner may make a proper comparison of the invention with the prior art.

Applicants should be careful not to introduce any new matter into the disclosure (i.e., matter  
which is not supported by the disclosure as originally filed). A shortened statutory period for response  
to this action is set to expire ONE MONTH or thirty days, whichever is longer, from the date of this  
letter.

2) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile  
transmission. Papers should be transmitted via the PTO Fax Center, which receives papers 24 hours a  
day and seven days a week. The transmission of such papers by facsimile must conform with the

Serial No: 09/077,574

notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The RightFax number for submission of before-final amendments is (703) 872-9306. The RightFax number for submission of after-final amendments is (703) 872-9307.

3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 am to 4.15 pm except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

February, 2004

  
S. DEVI, PH.D.  
PRIMARY EXAMINER